

CHAPTER NO. 376

HOUSE BILL NO. 2336

By Representatives McMillan, Bone, Newton and Mr. Speaker Naifeh and Representatives Litz, Moore, Coleman, Brown, Harmon, Hackworth, Harwell, Armstrong, Rinks, Hargrove, Sontany, Marrero, Larry Turner, Hensley, Fraley, West, Sargent, Maddox, Baird, Ferguson, DuBois, Fitzhugh, Winningham, Langster, Eldridge, Favors, Davis, Gresham, Mike Turner, Watson, Tidwell, Shaw, Montgomery, Hood, Hargett, Hill, Swafford, Todd, Curtis Johnson, Crider, Matheny, McDonald, Roach, McKee, Harrison, McDaniel

Substituted for: Senate Bill No. 2320

By Senators Kyle, Jackson, Burks, Crowe, Beavers, Black, Bowers, Bryson, Burchett, Cohen, Cooper, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 27, Parts 2 and 3, relative to extension of insurance coverage to the families of individuals killed in the line of duty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 27, Part 2, is amended by adding the following as an appropriately designated new section:

(a) The surviving spouse and eligible dependent children of a state employee maintaining family coverage, who is a member of the Tennessee Army National Guard or the Tennessee Air National Guard, who has been activated for federal duty or who has been called up on state active duty and who is subsequently killed in the performance of that duty may participate in the group health insurance plan for state employees established pursuant to 8-27-201.

(b) The surviving spouse's cost and dependent children's cost of the coverage provided in this section shall be equal to the amount paid by active employees for the same coverage. The Military Department shall pay the employer portion of the premium.

(c) The criteria for determination of eligibility of dependent children will be the same as those established by the State Insurance Committee for state employees and their families.

(d) In the event that the surviving spouse becomes eligible for insurance coverage through a subsequent marriage, the extension of coverage authorized in this section shall be terminated on the first day of the following month. The State Insurance Committee may establish specific conditions for extensions in instances where pre-existing conditions may apply during such transfer of coverage.

(e) In the event that insurance coverage under the state plan is terminated for the surviving spouse pursuant to subsection (d) of this section, but the surviving spouse is unable to secure, through the new coverage, insurance coverage for the eligible

dependent children, such children may continue coverage under the provisions of this section; provided, that they continue to meet all dependent eligibility requirements.

(f) The provisions of this section shall be retroactive to September 11, 2001. As individuals who are qualified for such extension are identified, elect coverage and pay the appropriate contribution, the coverage shall be provided on a prospective basis.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 27, Part 3, is amended by adding the following as an appropriately designated new section:

(a) The surviving spouse and eligible dependent children of a local education employee maintaining family coverage through the Local Education Plan, who is a member of the Tennessee Army National Guard or the Tennessee Air National Guard, who has been activated for federal duty or who has been called up on state active duty and who is subsequently killed in the performance of that duty may participate in the group health insurance plan for local education employees established pursuant to 8-27-302(a)(1).

(b) The surviving spouse's cost and dependent children's cost of the coverage provided in this section shall be equal to 20% of the monthly premium for active employee coverage. The Military Department shall pay the balance of the monthly premium.

(c) The criteria for determination of eligibility of dependent children will be the same as those established by the Local Education Insurance Committee for participating employees and their families.

(d) In the event that the surviving spouse becomes eligible for insurance coverage through a subsequent marriage, the extension of coverage authorized in this section shall be terminated on the first day of the following month. The Local Education Insurance Committee may establish specific conditions for extensions in instances where preexisting conditions may apply during such transfer of coverage.

(e) In the event that insurance coverage under the Local Education Plan is terminated for the surviving spouse pursuant to subsection (d) of this section, but the surviving spouse is unable to secure, through the new coverage, insurance coverage for the eligible dependent children, such children may continue coverage under the provisions of this section; provided, that they continue to meet all dependent eligibility requirements.

(f) The provisions of this section shall be retroactive to September 11, 2001. As individuals who are qualified for such extension are identified, elect coverage and pay the appropriate contribution, the coverage shall be provided on a prospective basis.

SECTION 3. Tennessee Code Annotated, Section 8-27-207, is amended by adding the following as an appropriately designated new subsection:

(1) The surviving spouse and eligible dependent children of a participant in the health plan authorized in subsection (b) who maintains family coverage, who is a member of the Tennessee Army National Guard or the Tennessee Air National Guard, who has been activated for federal duty or who has been called up on state active duty

and who is subsequently killed in the performance of that duty may participate in the group health insurance plan authorized in this section.

(2) The surviving spouse's cost and dependent children's cost of the coverage provided in this section shall be equal to 20% of the monthly premium paid by employees for the same coverage. The Military Department shall pay the balance of the monthly premium.

(3) The criteria for determination of eligibility of dependent children will be the same as those established by the Local Government Insurance Committee for participating employees and their families.

(4) In the event that the surviving spouse becomes eligible for insurance coverage through a subsequent marriage, the extension of coverage authorized in this subsection shall be terminated on the first day of the following month. The Local Government Insurance Committee may establish specific conditions for extensions in instances where preexisting conditions may apply during such transfer of coverage.

(5) In the event that insurance coverage under the Local Government Plan is terminated for the surviving spouse pursuant to subdivision (4), but the surviving spouse is unable to secure, through the new coverage, insurance coverage for the eligible dependent children, such children may continue coverage under the provisions of this section; provided, that they continue to meet all dependent eligibility requirements.

(6) The provisions of this section shall be retroactive to September 11, 2001. As individuals who are qualified for such extension are identified, elect coverage and pay the appropriate contribution, the coverage shall be provided on a prospective basis.

SECTION 4. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 25, 2005


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of June 2005


PHIL BREDESEN, GOVERNOR